

REMARKS

In the Restriction Requirement, the claims were restricted to the two inventions defined as follows:

- I. Claims 1, 2, 6-9, 11, 12, 14, 16 and 18, drawn to a system for detecting the distance between a mobile station and a base station using periodic signals and a phase difference, classified in class 455, subclass 67.16.
- II. Claims 3-5, 10, 13, 15, 17, 19 and 20, drawn to a system for detecting the distance between a mobile station and a plurality of base stations using distance based on transmit power and a processing gain of a respective measuring signal, classified in class 455, subclass 115.3.

Upon entry of the present paper, Applicant will have elected, with traverse, Invention I, comprising claims 1, 2, 6-9, 11, 12, 14, 16 and 18.

Applicant respectfully traverses the above Restriction Requirement for at least the following reasons.

Section 803 of the M.P.E.P. provides that a restriction is proper only if the search and examination of the entire application would be a serious burden on the Examiner. A serious burden may be *prima facie* shown if the Examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search. However, that *prima facie* showing may be rebutted by appropriate showings or

evidence by the Applicant. See M.P.E.P. § 803.

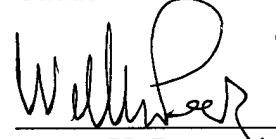
In the Restriction Requirement, the Examiner asserted that Inventions I and II have separate statuses in the art because they require separate fields of search. However, Applicant submits that the fields of search for Inventions I and II will be largely coextensive or significantly overlap, and therefore there will not be a serious burden on the Examiner to search and examine the entire application. The claims of both Inventions are directed to a method or apparatus for detecting the position of a mobile station. Thus, the Examiner's search for both Inventions should primarily focus on class 455, subclass 456.1, which is directed to location monitoring for a radiotelephone system.

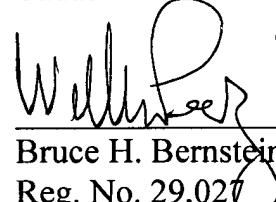
Because the search for Inventions I and II would be largely coextensive or significantly overlap, Applicant submits that there would be no serious burden on the Examiner to examine all of the claims of this application. For this reason, consistent with office policy as set forth in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider and withdraw the Restriction Requirement.

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Nevertheless, in order to be fully responsive, Applicant has elected with traverse Invention I, comprising claims 1, 2, 6-9, 11, 12, 14, 16 and 18, in the event that the Examiner chooses not to reconsider and withdraw the Restriction Requirement.

Respectfully submitted,
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